

REMARKS/ARGUMENTS

This reply is fully responsive to the Office Action dated March 04, 2009, and is filed within THREE - (3) months following the mailing date of the Office Action. The 5 Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith is enclosed.

10

Objection/Rejection Summary:

This application has been carefully reviewed in light of the Office Action of March 04, 2009, wherein:

A. Claims 1-9, 11-26, 28-43, 45-60, and 62-68 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; 15

B. Claims 1-17 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; and

C. Claims 1-9, 11-26, 28-43, 45-60, and 62-68 were objected to but allowable.

20

Claim Rejections - 35 U.S.C. § 112, second paragraph

A. **The Examiner rejected Claims 1-9, 11-26, 28-43, 45-60, and 62-68 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

25

Regarding independent Claims 1, 18, 35, and 52

The Examiner stated that the limitation “outputting a representation of the plurality of the probabilities of the states of the conclusion node” is vague and indefinite. The 30 Examiner further states that it is unclear what “states of the conclusion nodes” is referring to. Both the second and third limitation refer to different states of the

Reply to Office Action of March 4, 2009

conclusion nodes, and while the third limitation refers to probabilities, said probabilities are related to “resulting states” of the conclusion nodes.

The Applicants direct the Examiner to Currently Amended Claims 1, 18, 35, and 52 which have been amended, in part, to read, “...outputting a representation of the plurality of the probabilities of the resulting states of the conclusion nodes.” Thus, it is clear that that the last limitation is referring to the probabilities of the “resulting states” of the conclusion nodes as referenced in the third limitation. This amendment is not considered new matter and is supported by paragraph 77 of the Specification where it states that the system outputs a representation of probabilities of the conclusion nodes states obtained during the diagnosing step and, paragraph 74 of the Specification, where it discusses the diagnosing step as obtaining a plurality of probabilities of the resulting states of the conclusion nodes.

Therefore, with the amendments to independent Claims 1, 18, 35, and 52, the Applicants believe that the claims are not longer indefinite and comply Section 112. As such, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of the claims.

Claim Rejections - 35 U.S.C. § 101

20 **B. Claims 1-17 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.**

Regarding Claim 1, the Examiner stated that the limitation only recites a simulation of a model and that the claim is neither explicitly or inherently tied to a particular machine. 25 The Applicants direct the Examiner to Currently Amended Claim 1, which has been amended, in part, to read, “A computer implemented method for automatically evaluating Bayesian network models for decision support comprising an act of causing a computer to perform operations of...” Thus, with the current amendments, the claim is explicitly tied to a particular machine that performs the recited operations. As such, Claims 1-17 30 are now considered statutory subject matter. Thus, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of the claims.

Allowable Subject Matter

C. Claims 1-9, 11-26, 28-43, 45-60, and 62-68 were objected to but allowable.

5 The Examiner stated that Claims 1-9, 11-26, 28-43, 45-60, and 62-68 would be allowed if amended to address the rejections under Section 101 and Section 112. As noted above, the claims have been amended accordingly and are now in compliance with both Sections 101 and Section 112. Thus, the Applicants thank the Examiner for the statement of allowable subject matter and respectfully solicit timely allowance of the application.

10

15

20

25

30

CONCLUSION

The Applicants respectfully submit that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicants thus respectfully request timely 5 allowance of all of the pending claims.

Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, 10 these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements 15 or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action in order to elicit an early allowance, and is not intended to prejudice Applicants' rights or in any way to create an estoppel preventing 20 Applicants from arguing allowability of the originally filed claim in further off-spring applications.

In the event the Examiner wishes to discuss any aspect of this response, or believes that a 25 conversation with either Applicants or Applicants' representative would be beneficial, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this response is not 30 timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of

Reply to Office Action of March 4, 2009

the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 50-2691 if a credit card form has not been included with this correspondence, or if the credit card could not be charged.

5

Respectfully submitted,



Cary Tope-McKay
Registration No. 41,350
Tel.: (310) 589-8158

10